

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILLIS BOYD ANNIS, III,

Plaintiff,

v.

JEREMY D. ANNIS et al.,

Defendants.

CASE NO. 2:22-cv-00425-RAJ-SKV

ORDER DENYING PLAINTIFF'S
MOTION FOR RECUSAL

I INTRODUCTION

This matter comes before the Court following referral by United States Magistrate Judge S. Kate Vaughan (Dkt. No. 16) of Plaintiff Willis Boyd Annis, III's motion for recusal (Dkt. No. 15). For the reasons stated herein, the Court AFFIRMS Magistrate Judge Vaughan's decision.

II BACKGROUND

Mr. Annis, proceeding *pro se* and *in forma pauperis* (IFP), sued Defendants, alleging they committed theft of his "personal identify[.]" including his name, date of birth, and social security number. (Dkt. No. 5 at 3.) Mr. Annis' case was randomly assigned to United States

1 District Judge Richard A. Jones, and pre-assigned to United States Magistrate Judge S. Kate
2 Vaughan in the event of consent. Mr. Annis filed a document styled as “Declination to use
3 Magistrate Justices/Magistrate Judges,” stating he declined “Magistrate Jurisdiction in further
4 proceedings including final judgment.” (Dkt. No. 7 at 1.) District Judge Jones referred the case
5 to Magistrate Judge Vaughan to preside over all non-dispositive motions and to recommend
6 rulings for dispositive orders.

7 Mr. Annis moved for Judge Vaughan’s recusal, arguing that he declined to consent to
8 magistrate judge jurisdiction. (Dkt. No. 15 at 1.) Judge Vaughan denied Mr. Annis’ motion,
9 holding recusal would be improper because Mr. Annis makes no claim of personal or
10 extrajudicial bias that would meet the standard laid out in 28 U.S.C. § 144 or 28 U.S.C. § 455.
11 (Dkt. No. 16 at 2.) Judge Vaughan also addressed Mr. Annis’ argument against magistrate judge
12 jurisdiction, explaining “[e]ven when parties do not consent to a magistrate judge conducting all
13 proceedings, the district judge may still refer non-dispositive motions (i.e., routine motions that
14 will not resolve the case) to the pre-assigned magistrate judgment.” (*Id.* at 3.)

15 III DISCUSSION

16 Without a party’s consent, magistrate judges cannot hear and determine certain
17 dispositive pretrial matters, including motions to dismiss for failure to state a claim. 28 U.S.C. §
18 636(b)(1)(A). However, a magistrate judge may submit to a district judge “proposed findings of
19 fact and recommendations for the disposition” of motions to dismiss, even if a party declines
20 magistrate judge jurisdiction. 28 U.S.C. § 636(b)(1)(B). Once the magistrate judge issues
21 proposed findings and recommendations, any party may file written objections within fourteen
22 days. 28 U.S.C. § 636(b)(1). The district judge then decides whether to accept, reject, or
23 modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.*


1 In this case, District Judge Jones referred Mr. Annis' pretrial matters to Magistrate Judge
2 Vaughan. Judge Vaughan reviewed Mr. Annis' Complaint and found that he failed to state a
3 claim. (Dkt. No. 14 at 2.) Further, Judge Vaughan instructed Mr. Annis that if he failed to file
4 an amended complaint or adequately respond to the issues raised in her order, she would
5 recommend dismissal of the action. (*Id.* at 4.) These actions do not violate the statute governing
6 magistrate judge jurisdiction because District Judge Jones holds jurisdiction over the matter and
7 Magistrate Judge Vaughan has not issued, and will not issue, a final order dismissing the matter.
8 Instead, Judge Jones will make a final decision as to whether Mr. Annis' Complaint should be
9 dismissed for failure to state a claim.

10 Accordingly, jurisdiction is proper and Mr. Annis' motion does not allege facts sufficient
11 to support recusal. Plaintiff makes no argument relating to impartiality. Thus, the Court
12 ORDERS that Magistrate Judge Vaughan's refusal to recuse herself from this matter is
13 AFFIRMED.

14 IV CONCLUSION

15 Accordingly, and having considered Plaintiff's motion, the remainder of the record, the
16 Court finds and ORDERS that Plaintiff's motion for recusal (Dkt. No. 15) is DENIED.
17 Magistrate Judge Vaughan's refusal to recuse herself from this matter (Dkt. No. 16) is
18 AFFIRMED.

19 Dated this 14th day of October 2022.

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David G. Estudillo
United States District Judge